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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,591	07/23/2003	Yukihito Ichikawa	WATK:182B	7531
6160	7590	06/30/2005	EXAMINER	
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			XU, LING X	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,591

Applicant(s)

ICHIKAWA ET AL.

Examiner

Ling X. Xu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 11-13, 16-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 11-13, 16-18 and 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/318,265.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/23/2003
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 1 of the specification, line 2, the phrase -- now US Patent No. 6,656,298 -- should be inserted between "2001," and "which".

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 6-8, 11-13, 16-18 and 21-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. US 6,656,298. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-6 of US'298 recites the method including the same steps of making the thin-walled honeycomb which encompasses the same structure as recited in the claims of the present application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 16-18 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 8, 16-18 and 21, it is unclear if the “high molecular weight organic material” is the same high molecular weight organic material as recited in their previous claims. It is suggested to change “a high molecular weight organic material” to -- the high molecular weight organic material--.

In claims 16-18 and 21, there is insufficient antecedent basis for the limitations of “injection molding”, “drying” and “firing” in the claim.

In claim 22, it is unclear if some of the resins listed in the group are overlap with each other. For example, some of the thermal setting resins may also be the ultra-violet curing resins, some of the elastic resins may also be the rubber materials, etc. The scope of the claim is not clear.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8, 11-13, 16-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinji Nishio et al (JP-51-087482).

Shinji Nishio discloses a method of making thin-walled honeycomb structure comprising providing a honeycomb structure having a circumferential wall, partition walls disposed inside the circumferential wall, and cell passages defined by the partition walls. Shinji also discloses that the method comprising step of coating the circumferential portion of the honeycomb structure with a high molecular weight organic resin material (abstract and page 5 of the translation). The coating is considered to be a narrow band since no further limitation is recited in the claim to describe the width of the coating band.

Shinji Nishio further discloses that the organic resin material may be a vinyl acetate. The liquid glue coating solution is uniformly and thinly applied onto the outer circumferential surface and the inner surfaces of the transparent holes around the outer circumferential surface. The disclosed organic resin material is considered to be a photo-curing photo-reactive material.

Since Shinji Nishio discloses the same polymer coating on the honeycomb structure, the same coating would also have the same functions such as protecting the edge portions of the structure as recited.

5. Claims 6-8, 11-13, 16-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsuru Minami (JP-60-225652).

Mitsuru Minami discloses a method of making thin-walled honeycomb structure comprising providing a honeycomb structure having a circumferential wall, partition walls

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disposed inside the circumferential wall, and cell passages defined by the partition walls; and coating the circumferential portion of the honeycomb structure with a high molecular weight organic material such as polyvinyl alcohol (abstract, page 3 of the translation and the examples). The disclosed organic resin material is considered to be a photo-curing photo-reactive material.

Mitsuru Minami also discloses that the polymer film is formed on the portions of 2 cm from one end in the axial direction of the honeycomb structure. The coating is considered to be a narrow band since no further limitation is recited in the claim to describe the width of the coating band.

Since Mitsuru Minami discloses the same polymer coating on the honeycomb structure, the same coating would also have the same functions such as protecting the edge portions of the structure as recited.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling X. Xu whose telephone number is 571-272-1546. The examiner can normally be reached on 8:00 - 4:30 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah D. Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ling X. Xu
Examiner
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